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STATUTORY INSTRUMENTS

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**2015 No. 477**

**ENERGY**

**The Renewable Heat Incentive Scheme  
(Amendment) (No. 2) Regulations 2015**

<i>Made</i>	- - - -	<i>4th March 2015</i>
<i>Laid before Parliament</i>		<i>4th March 2015</i>
<i>Coming into force</i>	- -	<i>4th March 2015</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 100(1) and (2)(b) of the Energy Act 2008<sup>(1)</sup>.

In accordance with section 100(7) of that Act the Secretary of State has obtained the consent of the Scottish Ministers to the making of these Regulations.

**Citation and commencement**

1. These Regulations may be cited as the Renewable Heat Incentive Scheme (Amendment) (No. 2) Regulations 2015 and come into force on 4th March 2015.

**Amendment of regulation 42 of the Renewable Heat Incentive Scheme Regulations 2011**

2.—(1) Paragraph (2) of regulation 42<sup>(2)</sup> (periodic support payments to producers of biomethane) of the Renewable Heat Incentive Scheme Regulations 2011<sup>(3)</sup> is amended as follows.

(2) In the definition of “E”, for paragraph (i) substitute—

“(i) the heat in kWhth delivered in the relevant quarterly period to the biogas production plant which produced the biogas from which the biomethane is made, except any heat—

(aa) contained in feedstock used to produce that biogas; or

(bb) derived from the combustion of that biogas;”.

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(1) 2008 c. 32. Section 100 is amended by S.I. 2011/2195. Section 100 is also amended by section 51 of the Infrastructure Act 2015 (c. 7) (section 51 came into force on 12th February 2015) but none of the amendments so made to section 100 are relevant for the purposes of these Regulations. Section 51 also amended section 105 of the Energy Act 2008 (Parliamentary control of subordinate legislation) and inserted subsections (3A) to (3I) concerning provisions which require the affirmative resolution procedure. By virtue of subsections (3A) to (3I), these Regulations do not require the affirmative procedure.

(2) Regulation 42 was substituted by regulation 22 of S.I. 2015/197.

(3) S.I. 2011/2860, amended by S.I. 2012/1999, S.I. 2013/1033, S.I. 2013/2410, S.I. 2013/3179, S.I. 2014/928; S.I. 2014/1413; S.I. 2015/145 and S.I. 2015/197.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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4th March 2015

*Amber Rudd*  
Parliamentary Under Secretary of State  
Department of Energy and Climate Change

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which apply to Great Britain, amend the Renewable Heat Incentive Scheme Regulations 2011 (S.I. 2011/2860) as amended (“the principal regulations”). By regulation 22 of the Renewable Heat Incentive Scheme (Amendment) Regulations 2015 (S.I. 2015/197), which came into force on 12th February 2015, a new regulation 42 (periodic support payments to producers of biomethane) was substituted in the principal regulations.

Regulation 42 as substituted contained an error. In paragraph (i) of the definition of “E” (which concerns the amount of heat which is deducted in calculating the amount of “eligible biomethane” on which a tariff is payable), heat produced from the combustion of biogas from the biogas production plant was not included as a source of heat which is to be disregarded. That disregard was contained in the previous version of regulation 42 and no change was intended to be introduced by the new regulation 42. The error is corrected by these Regulations.

A full impact assessment of the effect that S.I. 2015/197 will have on the costs of business and the voluntary sector is available from the Department of Energy and Climate Change at 3 Whitehall Place, London, SW1A 2AW and is published with the Explanatory Memorandum alongside that instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).